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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

INFINITY CAPITAL MANAGEMENT, INC.
dba INFINITY HEALTH CONNECTIONS;

Debtor.

Case No. 21-14486-abl
Chapter 7

**EX PARTE MOTION FOR ORDER
SHORTENING TIME**

ROBERT E. ATKINSON, the appointed trustee of the above-captioned bankruptcy estate (“Trustee”), hereby moves this Court for entry of an Order Shortening Time to set an expedited hearing on the Trustee’s MOTION TO (I) APPROVE SALE OF CERTAIN ASSETS; (II) SET SALE/AUCTION PROCEDURES; AND (III) SET AUCTION HEARING DATE [DE #145] (the “Motion”).

The Trustee requests that the Motion be heard on shortened time on or before **December 22, 2021**, or as soon thereafter as possible. The Motion will not be moot after that date, but for the reasons stated below it should be heard on shortened time.

This motion for shortened time is made pursuant to Rule 9006 of the Federal Rules of Bankruptcy Procedure, LR 9006, the Attorney Information Sheet filed contemporaneously herewith, the Declaration of the Trustee (“Trustee Decl.”) contemporaneously filed herewith, and the Motion itself. The basis for this motion is the following:

A. Nature of Motion and Proposed Sale; Auction Requested

1. Pre-petition, debtor Infinity Capital Management Inc. (“Debtor”) was engaged in the business of purchasing receivables from medical providers. [Trustee’s Decl. at ¶ 4.]

2. Creditor HASelect-Medical Receivables Litigation Finance Fund International SP (“HASelect”) is a secured creditor of the Debtor. Their pre-petition perfected security interest covers all assets of the Debtor. [Id. at ¶ 5.]

3. On October 15, 2021, an order was entered in the Bankruptcy Case abandoning the Debtor’s interest in certain of Debtor’s collateral, which excluded the following portfolio:

- The Tecumseh Receivables as defined in Tecumseh – Infinity Medical Receivable Fund, LP’s Objection to Joint Motion to Approve Abandonment of Collateral [ECF No. 82] and as identified in Exhibit A and, to the extent marked as assigned to Tecumseh, Exhibit B to the Meyer Declaration [ECF No. 59], as well as any records relating exclusively thereto or any proceeds thereof

(hereinafter, the “Tecumseh Receivables”). [See DE #97]

4. Tecumseh – Infinity Medical Receivable Fund, LP (“Tecumseh”) has asserted in this case that the Tecumseh Receivables are its property, not property of the Bankruptcy Estate. [Trustee’s Decl. at ¶ 6.]

5. On October 19, 2021, HASelect commenced an adversary proceeding against Tecumseh in the District of Nevada (adversary case no. 21-01167) (the “AP Case”) seeking declaratory and injunctive relief regarding the Tecumseh Receivables. On November 19, 2021, Tecumseh filed various counterclaims against HASelect and the Trustee in the AP Case seeking declaratory relief concerning ownership of the Tecumseh Receivables.

6. The Tecumseh Receivables have been generating money. The Trustee received the following funds from the Debtor’s principal, which have been deposited into segregated estate bank accounts:

- A total of \$75,402.85 in checks from certain of the Tecumseh Receivables (the “TIF Checks”)
- A total of \$13,400.00 in checks from certain of the Tecumseh Receivables (the “TIF+HAS Checks”).

[Trustee’s Decl. at ¶ 7.]

7. The Trustee has agreed to sell the following assets (collectively, the “Assets”) to HASElect, on the terms and conditions contained in the Asset Purchase Agreement attached as Exhibit 1 to the Motion (the “APA”):

- Whatever interest the Bankruptcy Estate has (if any) in the Tecumseh Receivables (inclusive of the \$75,402.85 in monies from the TIF Checks, and the \$13,400.00 in monies from the TIF+HAS Checks), subject to the rights, title, and interests that Tecumseh may have in this property, if any.
- All claims and causes of action that could be brought by the Trustee or the Bankruptcy Estate against any third party relating in any way to the Tecumseh Receivables, pursuant to (i) chapter five of title 11 of the United States Code, or (ii) all applicable or relevant state or federal laws (collectively, the “Claims”). For avoidance of doubt, the Claims include, but are not limited to, all causes of action that could be brought by the Trustee pursuant to Sections 542, 543, 544, 545, 547, 548, 549, 550, 551, 552, and 553 of the United States Bankruptcy Code for any matter relating in any way to the Tecumseh Receivables.
- All books and records related to the foregoing that the Bankruptcy Estate currently has in its possession.

[Trustee’s Decl. at ¶ 8.]

8. The APA is contingent upon Bankruptcy Court approval. [Id. at ¶ 9.]

9. The purchase price for the Assets is \$100,000.00 (“Initial Purchase Price”).

That amount is subject to overbid at auction, to be held by the Bankruptcy Court. HASElect is aware that an auction will be held to identify any possible overbids. [Id. at ¶ 10.]

10. The Motion also requests that the Court set certain auction procedures, and set an auction hearing date and time. [Id. at ¶ 11.]

B. Basis for Shortened Time

11. Sound basis exists for the Motion to be heard on shortened time. Specifically, the Court has heard several times in this case so far that the Tecumseh Receivables are or will be a “melting ice cube”. Although the Trustee does not believe that any wasting of that asset has yet occurred – it’s been only 11 weeks since the Petition Date – Tecumseh has expressed

1 concerns that further delay without servicing will be detrimental. [Id. at ¶ 12.] Having the
2 auction as soon as possible will address these concerns.

3 12. Based upon the foregoing, it is respectfully submitted that good cause exists for
4 granting an order shortening time.

5 **WHEREFORE**, the Trustee respectfully requests that this Honorable Court issue an
6 order shortening time so that the Motion can be heard in a timely manner.

7
8 DATED: December 3, 2021

ATKINSON LAW ASSOCIATES LTD.

9 By: /s/ Clarisse L. Crisostomo
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11 Nevada Bar No. 15526
12 *Attorney for Robert E. Atkinson, Trustee*
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